HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.8547 OF 2007

Between:

Shri G.Das Yadav and others

. . .Petitioners

AND

The Municipal Corporation of Hyderabad,
Tankbund, Hyderabad and another

. . .Respondents

:: ORDER ::

Counsel for the petitioners : Smt. G.Jyothi Kiran

Counsel for respondents : Smt. Kalpana Ekbote

25th April, 2007

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PER G.S.SINGHVI, CJ

This petition filed by Shri G. Das Yadav and five others for quashing notice dated 19.04.2007 issued by Commissioner, Municipal Corporation of Hyderabad under Section 636 of Hyderabad Municipal Corporation Act, 1955 was taken as house motion on 22.04.2007 and the following order was passed:

> "Smt. Jyothi Kiran for the petitioners.
> Heard learned counsel for the petitioners.
> Notice to the respondents.
> Smt. Kalpana Ekbote accepts notice.
>
> After hearing learned counsel for the petitioners and perusing the record, including the sanction plan produced by Smt. Kalpana Ekbote, we are prima facie of the opinion that the construction of cellar and third floor is contrary to the sanction plan and there is no justification for the Court's intervention in the action initiated by the Municipal Corporation of Hyderabad to demolish the illegal construction.
>
> Smt. Jyothi Kiran requests time to seek instructions from her clients and make a statement – whether they are willing to suo motu remove the illegal construction by 25th April 2007.
>
> In view of the above, we deem it proper to direct the respondents not to give effect to notice dated 19th April 2007 till 25th April 2007."

At the commencement of hearing, Smt. G.Jyothi Kiran, learned counsel for the petitioners gave out that she has been instructed to withdraw the writ petition.

Smt. Kalpana Ekbote, learned counsel for the respondents says that she can have no objection.

In view of the above, the writ petition is dismissed as withdrawn.

While dismissing the writ petition, we consider it necessary to observe that in the face of the action initiated by Municipal Corporation of Hyderabad (Now the Greater Hyderabad Municipal Corporation), the State Government and the functionaries of the Corporation shall not succumb to any pressure from any quarter and facilitate regularization of illegal construction, if any made by the petitioners.

As a sequel to dismissal of the main petition, WPMP No.10961 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

April 25, 2007

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